

NOT FOR PUBLICATION

DEC 28 2007

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

MIGUEL MARIA LOPEZ and
MIGUEL ANGEL CEJA

Petitioners,

v.

MICHAEL B. MUKASEY,* Attorney
General,

Respondent.

No. 05-73113

Agency Nos. A76-844-439
A76-844-440

MEMORANDUM**

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 3, 2007***

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges

* Michael B. Mukasey is substituted for his predecessor, Alberto R. Gonzales, as Attorney General of the United States, pursuant to Federal Rule of Appellate Procedure 43(c)(2).

** This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

*** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Miguel Maria Lopez and his son, Miguel Angel Ceja, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's decision denying Maria Lopez's applications for asylum, withholding of removal, and cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence, *Hoxha v. Ashcroft*, 319 F.3d 1179, 1182 n.4 (9th Cir. 2003), we deny the petition.

Substantial evidence supports the BIA's conclusion that Maria Lopez failed to demonstrate past persecution. Maria Lopez testified that he was involved in one physical altercation with members of an opposing political party, and that afterwards, opposition members went to Maria-Lopez's home, wielding sticks and machetes. Even when considered cumulatively, these events, while unfortunate, do not compel a finding of past persecution. *See id.* at 1180-82 (harassment, threats and one beating did not compel finding of past persecution); *Prasad v. INS*, 47 F.3d 336, 339-40 (9th Cir. 1995) (detention, interrogation, and beating did not compel finding of past persecution).

Substantial evidence also supports the BIA's determination that Maria Lopez failed to demonstrate a well-founded fear of persecution. *See Nagoulko v. INS*, 333 F.3d 1012, 1018 (9th Cir. 2003). Moreover, Maria Lopez testified that he could

avoid persecution by living elsewhere in Mexico. *See Kaiser v. Ashcroft*, 390 F.3d 653, 659 (9th Cir. 2004); 8 C.F.R. § 1208.13(b)(3)(i) (applicants who do not establish past persecution bear burden of establishing it would be unreasonable to relocate).

Because Petitioners failed to establish eligibility for asylum, they necessarily failed to meet the more stringent standard for withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

In their opening brief, Petitioners do not address, and therefore waive any challenge to the BIA's determination that Maria Lopez failed to establish eligibility for cancellation of removal. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996) (issues not specifically raised and argued in opening brief are waived).

PETITION FOR REVIEW DENIED.